

Message Text

LIMITED OFFICIAL USE

PAGE 01 KATHMA 04731 01 OF 03 130522Z
ACTION NEA-10

INFO OCT-01 ISO-00 HA-05 SS-15 AID-05 IO-13 CIAE-00
INR-10 NSAE-00 SSO-00 INRE-00 /059 W
-----100472 130536Z /14
O 130322Z SEP 78
FM AMEMBASSY KATHMANDU
TO SECSTATE WASHDC IMMEDIATE 3268

LIMITED OFFICIAL USE SECTION 1 OF 3 KATHMANDU 4731

E.O. 1165: N/A
TAGS: SHUM, NP
SUBJECT: 1978 COUNTRY REPORTS OF HUMAN RIGHTS PRACTICES --
REDRAFT ON NEPAL

REF: A) STATE 212848, B) STATE 207310

1. THE FOLLOWING IS AN INTEGRAL TEXT OF THE DRAFT 1978
REPORT ON HUMAN RIGHTS PRACTICES IN NEPAL,
IN WHICH SUGGESTED EMBASSY CHANGES HAVE BEEN IN-
CORPORATED INTO THE FIRST DRAFT PREPARED IN NEA/INS.
SEPTEL DETAILS THESE SUGGESTED CHANGES AND GIVES EMBASSY
REASONING IN PROPOSING THEM.

2. BEGIN TEXT:
QUOTE NEPAL IS A CONSTITUTIONAL MONARCHY. UNDER
THE CONSTITUTION THE KING IS THE SOLE SOURCE OF
AUTHORITY FOR ALL GOVERNMENTAL INSTITUTIONS IN A
HIGHLY TRADITIONAL SOCIETY. THE CONSTITUTION OF
1962, AS AMENDED, PROVIDES FOR MANY INTERNATIONALLY
RECOGNIZED HUMAN RIGHTS AND THE GOVERNMENT HAS
RELEASED ALL BUT A FEW POLITICAL DETAINEES AND
LIBERALIZED THE POLITICAL ENVIRONMENT. NONETHELESS,
THOSE LAWS AND PROVISIONS OF THE CONSTITUTION
RESTRICTING--OR PROVIDING THE GOVERNMENT WITH THE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 KATHMA 04731 01 OF 03 130522Z

MEANS TO RESTRICT--BASIC RIGHTS AND FREEDOM HAVE
NOT BEEN AMENDED OR REPEALED.

3. RESPECT FOR THE INTEGRITY OF THE PERSON,
INCLUDING FREEDOM FROM:
A. TORTURE
TORTURE IS PROHIBITED BY LAW IN NEPAL. OCCA-

SIONAL REPORTS OF ABUSES IN NEPALESE PRISONS HAVE BEEN SECONDHAND AND UNCONFIRMED. TO THE EXTENT THAT THEY DO OCCUR, WE DO NOT BELIEVE SUCH PRACTICES TO BE WIDESPREAD.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.

CAPITAL PUNISHMENT IS SELDOM IMPOSED IN NEPAL. NEPALESE PRISON CONDITIONS REFLECT THE GENERAL STANDARD OF LIVING IN ONE OF THE WORLD'S POOREST COUNTRIES, BUT POLITICAL PRISONERS HAVE USUALLY RECEIVED BETTER TREATMENT THAN THOSE CONVICTED OF CRIMINAL ACTS, IN TERMS OF VISITORS, READING AND WRITING MATERIALS, AND MEALS FROM HOME.

C. ARBITRARY ARREST OR IMPRISONMENT.

THE PUBLIC SECURITY ACT OF 1971 PROVIDES FOR PREVENTIVE DETENTION AND "OTHER MEASURES" AS MAY BE REQUIRED TO "MAINTAIN PEACE AND SECURITY". OPPONENTS OF THE MONARCHY HAVE IN THE PAST BEEN JAILED FOR LONG PERIODS OF TIME WITHOUT CHARGE OR ACCESS TO THE COURTS. OUR INFORMATION IS THAT FEWER THAN 10 PEOPLE CONTINUE TO BE HELD UNDER THE SECURITY ACT. NEPALESE OPPOSITION FIGURES ESTIMATE THAT APPROXIMATELY 100 PRISONERS CURRENTLY HELD UNDER CRIMINAL STATUTES MAY HAVE BEEN ARRESTED FOR POLITICAL REASONS.

D. DENIAL OF FAIR PUBLIC TRIAL.
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 KATHMA 04731 01 OF 03 130522Z

NEPAL HAS A WELL-ORGANIZED SYSTEM OF COURTS, BUT JUDGES ARE APPOINTED BY THE GOVERNMENT AND IT WOULD BE UNLIKELY THAT A JUDGE WOULD RULE IN FAVOR OF THE DEFENSE WITHOUT AT LEAST TACIT GOVERNMENT APPROVAL IN A CASE INVOLVING POLITICAL CONSIDERATION, OR ON AN APPEAL FOR THE RELEASE OF PRISONERS DETAINED WITHOUT SPECIFIC CHARGES.

E. INVASION OF THE HOME.

ARBITRARY SEARCH AND SEIZURE HAS NOT BEEN A SIGNIFICANT HUMAN RIGHTS PROBLEM IN NEPAL. EXCEPT

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 KATHMA 04731 02 OF 03 130530Z

ACTION NEA-10

INFO OCT-01 ISO-00 HA-05 SS-15 AID-05 IO-13 CIAE-00

INR-10 NSAE-00 SSO-00 INRE-00 /059 W

-----100547 130536Z /14

O 130322Z SEP 78

FM AMEMBASSY KATHMANDU

TO SECSTATE WASHDC IMMEDIATE 3269

LIMITED OFFICIAL USE SECTION 2 OF 3 KATHMANDU 4731

IN THE FEW INSTANCES WHERE THE POLICE ARE RELIEVED OF SUCH OBLIGATIONS BY SPECIFIC LAWS, INCLUDING THE NARCOTICS CONTROL LEGISLATION, ARREST AND SEARCH WARRANTS ARE REQUIRED PRIOR TO SEARCH AND SEIZURE.

4. GOVERNMENT POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL HUMAN NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION.

THE GOVERNMENT OF NEPAL HAS ATTEMPTED TO USE ITS SCARCE RESOURCES TO MEET THE BASIC NEEDS OF ITS PEOPLE. BUDGET PROJECTIONS OVER THE PAST THREE YEARS HAVE SEEN THE DEVELOPMENT SIDE BUILD UP FROM 64 TO 70 TO 71 PERCENT OF TOTAL ANTICIPATED EXPENDITURES. THE EMPHASIS HAS BEEN ON SEEKING TO INCREASE THE ECONOMIC GROWTH RATE AND ON BUILDING THE COMMUNICATIONS AND TRANSPORTATION NETWORKS REQUIRED TO INTEGRATE ISOLATED AREAS OF THE COUNTRY. NEPALESE DECISION MAKERS HAVE IN THE PAST FEW YEARS REORIENTED THEIR DEVELOPMENT PROGRAMS TO DEAL MORE DIRECTLY WITH POVERTY. THIS GOAL IS GIVEN PARTICULAR EMPHASIS IN THE CURRENT BUDGET, WITH PROJECTED EXPENDITURE INCREASES OF OVER 50 PERCENT IN FIELDS SUCH AS AGRICULTURE, HEALTH, RURAL WATER AND LOCAL GOVERNMENT WHICH TEND TO LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 KATHMA 04731 02 OF 03 130530Z

IMPACT ON THE INDIVIDUAL. THE KING HAS ASSUMED THE LEADERSHIP OF THE ECONOMIC DEVELOPMENT EFFORT AND HIS INSISTENCE THAT PROGRAMS BE SPREAD AMONG THE FOUR DEVELOPMENT REGIONS, RATHER THAN CONCENTRATED IN KATHMANDU AND THE LOWLANDS, TENDS TO BENEFIT THE POORER AREAS OF THE COUNTRY.

PERFORMANCE HAS BEEN MIXED, GENERALLY FALLING SHORT OF BUDGET PROJECTIONS, BUT IN TERMS OF THE LEVELS AND DIRECTION OF ACTUAL EXPENDITURES, AND ALSO IN THE CONTINUING ATTENTION TO ISSUES

SUCH AS LAND REFORM AND ANTI-CORRUPTION MEASURES,
THE GOVERNMENT HAS BACKED UP ITS WORDS
AND PLANS WITH DEEDS.

5. RESPECT FOR CIVIL AND POLITICAL LIBERTIES,
INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION
AND ASSEMBLY

FREEDOM OF SPEECH AND THE PRESS IN NEPAL
IS RESTRICTED BY THE PRINCIPLE THAT THE MONARCHY
AS AN INSTITUTION AND THE ROYAL FAMILY IN THEIR
PERSONS ARE ABOVE CRITICISM. THE PRESS AND PUBLI-
CATION ACT PERMITS THE GOVERNMENT TO BAN SUMMARILY
ANY NEWSPAPER FOR OVERSTEPPING THIS LINE OR FOR
A NUMBER OF OTHER OFFENSES INCLUDING ACTIONS
DEEMED HARMFUL TO THE PRESENT POLITICAL SYSTEM.
WHILE THIS POWER HAS BEEN SPARINGLY UTILIZED
OVER THE PAST YEAR--ONLY ONCE AND THAT FOR A
CARTOON ATTACK ON THE KING--IT DOES SERVE AS
A CHECK ON THE LOCAL PRESS, AS DOES ALSO THE
DEPENDENCE OF THE NEWSPAPERS ON GOVERNMENT
ADVERTISING. THE TWO PRINCIPAL DAILY
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 KATHMA 04731 02 OF 03 130530Z

NEWSPAPERS--ONE NEPALI, THE OTHER ENGLISH--ARE GOVERNMENT
ORGANS, BUT NUMEROUS OTHER NEWSPAPERS
CARRY ON A SPIRITED CRITIQUE OF GOVERNMENT (AS
DISTINGUISHED FROM PALACE) ACTIONS.
FOREIGN PUBLICATIONS MAY BE BANNED IN NEPAL IF
THEY PUBLISH ARTICLES THAT THE GOVERNMENT REGARDS
AS TOO OFFENSIVE.

POLITICAL PARTIES ARE BANNED, AND ORGANIZED
(AS OPPOSED TO INDIVIDUAL) CRITICISM OF THE
GOVERNMENT IS DISCOURAGED. THE GOVERNMENT EXER-
CISES COMPLETE CONTROL OVER ALL ASSOCIATIONS
THROUGH A TWO-TIERED PROCESS OF APPROVAL, IN-
VOLVING FIRST, CONCURRENCE AT THE NATIONAL LEVEL,
AND THEN REGISTRATION WITH THE LOCAL AUTHORITIES.

THE ADVOCACY AND PROTECTION OF THE INTERESTS
OF SPECIAL GROUPS--E.G. WOMEN, LABOR, ETC--IS
THE RESPONSIBILITY OF THE CLASS ORGANIZATIONS
ESTABLISHED UNDER THE CONSTITUTION. IN GENERAL
THESE ORGANIZATIONS APPEAR INEFFECTIVE, BEING
HIGHLY DECENTRALIZED AND WITH LITTLE IF ANY
AUTHORITY TO ACT ON BEHALF OF THEIR MEMBERS.
HOWEVER, THE ISSUE OF THE RIGHTS OF THESE SPECIAL
INTEREST GROUPS GOES WELL BEYOND THE EFFORT OF
THE GOVERNMENT TO RETAIN AN ELEMENT OF CONTROL--IT
INVOLVES THE BASIC NATURE OF THE ECONOMY AND
THE SOCIETY. THE EXISTING RESTRICTIONS ON WOMEN'S

RIGHTS, FOR EXAMPLE--BE THEY LEGAL OR TRADITIONAL
--APPEAR TO BE FAR MORE A REFLECTION OF NEPALESE

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 KATHMA 04731 03 OF 03 130542Z
ACTION NEA-10

INFO OCT-01 ISO-00 HA-05 SS-15 AID-05 IO-13 CIAE-00
INR-10 NSAE-00 SSO-00 INRE-00 /059 W
-----100809 130550Z /12

O 130322Z SEP 78

FM AMEMBASSY KATHMANDU

TO SECSTATE WASHDC IMMEDIATE 3270

LIMITED OFFICIAL USE SECTION 3 OF 3 KATHMANDU 4731

HISTORY, RELIGION AND SOCIAL PATTERNS THAN ANY
CONSCIOUS EFFORT OF THE GOVERNMENT TO REPRESS
WOMEN FOR POLITICAL REASONS. IN FACT, THE
GOVERNMENT MADE A NUMBER OF CHANGES IN FAVOR
OF WOMEN'S RIGHTS IN THE LEGAL CODE IN 1975
AT THE TIME OF THE INTERNATIONAL WOMEN'S YEAR, BUT
THE IMPLEMENTATION OF THESE CHANGES IN THE FACE
OF SOCIAL PRESSURE HAS BEEN SLOW.

ALTHOUGH NEPALESE LAW PROHIBITS RELIGIOUS
PROSELYTIZING, THE NEPALESE ARE PROUD OF THEIR
LONG TRADITION OF RELIGIOUS TOLERANCE, EXEMPLIFIED
BY HINDUS AND BUDDHISTS WORSHIPPING IN EACH OTHERS'
SHRINES. CASTES ARE STILL RECOGNIZED IN
NEPAL, BUT UNDER THE LAW ALL PERSONS ARE TO BE
TREATED AS EQUALS REGARDLESS OF CASTE. SOCIAL
BARRIERS, AS DISTINCT FROM LEGAL ONES, REMAIN
BUT THE GOVERNMENT IS USING ITS INFLUENCE IN
ATTEMPTING TO DISMANTLE THESE AS WELL.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY,
FOREIGN TRAVEL AND EMIGRATION.

THERE ARE NO GENERAL RESTRICTIONS ON MOVEMENT
WITHIN THE COUNTRY OR ABROAD, BUT THE GOVERNMENT
EXERCISES TIGHT CONTROL OVER THE ISSUANCE OF
PASSPORTS, OFTEN RESTRICTS THEIR VALIDITY TO
SPECIFIED COUNTRIES, AND SOMETIMES REFUSES TO
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 KATHMA 04731 03 OF 03 130542Z

ISSUE THEM.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL
PROCESS.

POLITICAL PARTIES WERE BANNED IN 1960
AND REPLACED BY THE PANCHAYAT SYSTEM OF IN-
DIRECT ELECTIONS, WHICH IS DESIGNED TO INVOLVE
THE PEOPLE IN PUBLIC AFFAIRS WHILE PROTECTING
THE CROWN'S AUTHORITY. THE GOVERNMENT CON-
TINUES TO EXERCISE CONSIDERABLE INFLUENCE OVER
THE SELECTION OF CANDIDATES FOR THE VILLAGE,
DISTRICT AND NATIONAL PANCHAYATS (ASSEMBLIES)
ALTHOUGH THIS INTERFERENCE HAS BEEN EASED
SOMEWHAT BY THE DECISION TO PERMIT COMPETITION
IN ELECTIONS WHEN GENUINE CONSENSUS IN FAVOR
OF A SINGLE CANDIDATE DOES NOT EXIST. THE
GOVERNMENT HAS SHOWN A MORE TOLERANT ATTITUDE
TOWARDS CRITICISM AND OTHER POLITICAL ACTIVITIES
BY THOSE ASSOCIATED WITH FORMERLY LEGAL POLITICAL
PARTIES, BUT LOYALTY TO THE KING AND THE PANCHAYAT
SYSTEM CONTINUES TO BE A PREREQUISITE FOR LEGAL
POLITICAL ACTIVITY. B.P. KOIRALA, NEPAL'S FORMER
PRIME MINISTER AND PRIMARY OPPOSITION FIGURE,
HAS TWICE BEEN TEMPORARILY RELEASED FROM
PRISON FOR MEDICAL TREATMENT IN THE UNITED STATES
AND WAS NOT REARRESTED ON HIS LATEST RETURN TO
NEPAL, AS HE HAS BEEN ON THE PREVIOUS OCCASION.
HE HAS BEEN ACQUITTED ON FIVE OF THE SEVEN
CRIMINAL CHARGES AND REMAINS FREE ON PAROLE
IN KATHMANDU PENDING THE OUTCOME OF HIS CON-
TINUING TRIAL AND THE APPEAL PROCESS.

6. GOVERNMENT ATTITUDE AND RECORD REGARDING
INTERNATIONAL NON-GOVERNMENT INVESTIGATION
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 KATHMA 04731 03 OF 03 130542Z

OF ALLEGED VIOLATIONS OF HUMAN RIGHTS.

THE GOVERNMENT OF NEPAL ALLOWED REPRESENTATIVES
OF AMNESTY INTERNATIONAL TO VISIT THE COUNTRY
IN LATE 1977 TO REPORT ON HUMAN RIGHTS VIOLATIONS.
IN THE PAST AMNESTY INTERNATIONAL HAS EXPRESSED
CONCERN ABOUT THE HUMAN RIGHTS SITUATION AND THE
ARREST OF SPECIFIC INDIVIDUALS. SOME OF THESE
INDIVIDUALS HAVE SUBSEQUENTLY BEEN RELEASED.
END QUOTE.
HECK

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, HUMAN RIGHTS
Control Number: n/a
Copy: SINGLE
Draft Date: 13 sep 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978KATHMA04731
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780371-1057
Format: TEL
From: KATHMANDU
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780973/aaaachwv.tel
Line Count: 330
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 81cdf51-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 212848, 78 STATE 207310
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1455938
Secure: OPEN
Status: NATIVE
Subject: 1978 COUNTRY REPORTS OF HUMAN RIGHTS PRACTICES -- REDRAFT ON NEPAL
TAGS: SHUM, NP
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/81cdf51-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014